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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,057	12/11/2006	Manfred Heidemann	72279	5355
23872	7590	05/05/2008		
MCGLEW & TUTTLE, PC P.O. BOX 9227 SCARBOROUGH STATION SCARBOROUGH, NY 10510-9227			EXAMINER FERGUSON, MICHAEL P	
			ART UNIT 3679	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/597,057

Applicant(s)

HEIDEMANN ET AL.

Examiner

MICHAEL P. FERGUSON

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Claim Objections

1. Claims 11 is objected to because of the following informalities:

Claim 11 (line 1) recites "with claim 1". It should recite --with claim 2--.

For the purpose of examining the application, it is assumed that appropriate correction has been made.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Kogstrom (US 2,921,809).

As to claim 1, Kogstrom discloses a ball and socket joint, comprising:

a ball and socket joint housing **20** having a joint opening;

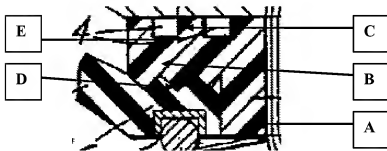
a ball pivot **10,12**, which is arranged in the ball and socket joint housing, extends through the joint opening and with which a shaft **12** is made integral;

a support ring **14** arranged on the shaft of the ball pivot; and

a sealing element **40**, which is arranged between the support ring and a connection component **50** surrounding the shaft of the ball pivot, wherein the sealing element comprises an elastically and/or plastically deformable profiled body **40** having an effective cross section, which is free from the effect of forces,

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that is limited by a continuously extending, curved contour, which is subject to deformation in an installed state, as a result of which at least a partial area of the contour is in contact with adjoining areas that are to be sealed, wherein one portion **A** (Figure 3 reprinted below with annotations) of the sealing element extends generally axially and is arranged between the shaft of the ball pivot and the connection component in a radial direction of the ball pivot, and another portion **B** of the sealing element extends radially and is arranged between the support ring and the connection component in an axial direction of the ball pivot (Figures 1 and 3).



As to claim 2, Kogstrom discloses a ball and socket joint wherein the elastically and/or plastically deformable profiled body **40** has a profiled basic body **40** and sealing segments **C,D** (Figure 3).

As to claim 3, Kogstrom discloses a ball and socket joint wherein the sealing segments **C,D** extend radially oriented in relation to the profiled basic body **40** (Figure 3).

As to claim 4, Kogstrom discloses a ball and socket joint wherein transition areas **E** are provided for connecting the profiled basic body **40** to the sealing segments **C** (Figure 3).

As to claim 5, Kogstrom discloses a ball and socket joint wherein a material or a material combination that permits elastic deflection of the sealing segments **C** adjoining the transition area **E** is selected for the transition area (Figure 3).

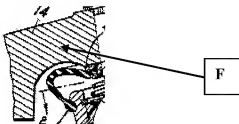
As to claim 6, Kogstrom discloses a ball and socket joint wherein the profiled body **40** has a connection surface, via which the profiled body is connected to an adjoining component **12,14,46** (Figure 3).

As to claim 7, Kogstrom discloses a ball and socket joint wherein the adjoining component is the support ring **14** (Figure 3).

As to claim 8, Kogstrom discloses a ball and socket joint wherein the connection between the profiled body **40** and the adjoining component **12,14,46** is established by bonding (profiled body **40** is frictionally bonded to adjoining components **12,14,46**; Figure 3).

As to claim 9, Kogstrom discloses a ball and socket joint wherein the profiled body **40** is positioned on the ball pivot **12** or the support ring **14** in preparation for the mounting of the ball and socket joint (Figure 3).

As to claim 10, Kogstrom discloses a ball and socket joint wherein the profiled body **40** is positioned on the adjoining component **46** by means of a radial expansion of the profiled body by positive-locking connection or non-positive connection with the adjoining component (serrations on profiled body **40** deform and radially expand to frictionally engage serrations on adjoining component **46**; Figure 3).



As to claim 11, Kogstrom discloses a ball and socket joint wherein the support ring **14** has a radially extending flange **F**(Figure 1 reprinted below with annotations) with which at least one the sealing segments **C** of the profiled body **40** is in contact under pretension (Figure 3).

As to claim 12, Kogstrom discloses a ball and socket joint wherein the support ring **14** has a radially extending flange **F**, with a radially outer front surface of which at least one the sealing segments **C** of the profiled body **240** is in contact under pretension (Figure 3).

As to claim 13, Kogstrom discloses a ball and socket joint wherein the profiled body **40** has at least one stabilizing element **C,D** (elements **C,D** of profiled body **40** stabilize the engagement with support ring **14** and connection component **50**; Figure 3).

As to claim 14, Kogstrom discloses a motor vehicles chassis ball and socket joint comprising:

- a ball and socket joint housing **20** having a joint opening;
- a ball pivot **10,12** comprising a ball portion arranged in the ball and socket joint housing and an integral shaft portion **12** arranged outside of the ball and socket joint housing;
- a support ring **14** on the shaft portion;

a connection component **50** surrounding the shaft portion;
a sealing element **40** arranged between the support ring and the connection component, the sealing element comprising an elastically and/or plastically deformable profiled body having an effective cross section in a state not affected by compressive or tensile forces, the effective cross section having a continuously extending curved contour subject to deformation in an installed state, the profiled body having a first sealing portion **B** and a second sealing portion **A** in the installed state, the first sealing portion extending in a radial direction of the ball pivot in the installed state such that the first sealing portion engages the connection component and the support ring, the second sealing portion extending in an axial direction of the ball pivot in the installed state such that the second sealing portion engages the shaft portion of the ball pivot (Figures 1 and 3).

As to claim 15, Kogstrom discloses a ball and socket joint wherein the elastically and/or plastically deformable profiled body **40** has a profiled basic body **40** and sealing segments **C, D** extending radially in relation to the profiled basic body (Figure 3).

As to claim 16, Kogstrom discloses a ball and socket joint wherein the profiled body **40** includes transition areas **E** connecting the profiled basic body **40** to the sealing segments **C** (Figure 3).

As to claim 17, Kogstrom discloses a ball and socket joint wherein the contact between the profiled body **40**, the connection component **14** and the shaft **12** of the ball pivot comprises a connection established by bonding (profiled

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body **40** is frictionally bonded to connection component **50** and shaft **12**; Figure 3).

As to claim 18, Kogstrom discloses a ball and socket joint wherein the support ring **14** has a radially extending flange **F** having the area to be sealed of the support ring, the radially extending flange being in contact with the profiled body **40** under pretension or compression (Figure 3).

As to claim 19, Kogstrom discloses a ball and socket joint wherein the profiled body **40** has at least one stabilizing element **C,D** (elements **C,D** of profiled body **40** stabilize the engagement with support ring **14** and connection component **50**; Figure 3).

As to claim 20, Kogstrom discloses a ball and socket joint wherein the sealing element **40** maintains the shaft **12** of the ball pivot at a radially spaced location from the connection component **50**, the sealing element maintaining the support ring **14** at an axially spaced location from the connection component (Figure 3).

Response to Arguments

4. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. The newly added limitations of "wherein one portion of said sealing element extends generally axially and is arranged between said shaft of said ball pivot and said connection component in a radial

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direction of said ball pivot, and another portion of said sealing element extends radially and is arranged between said support ring and said connection component in an axial direction of said ball pivot” in claim 1 (lines 11-15) and “said profiled body having a first sealing portion and a second sealing portion in said installed state, said first sealing portion extending in a radial direction of he ball pivot in said installed state such that said first sealing portion engages said connection component and said support ring, said second sealing portion extending in an axial direction of said ball pivot in said installed state such that said second sealing portion engages said shaft portion of said ball pivot” in claim 14 (lines 13-18) necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Ferguson whose telephone

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number is (571)272-7081. The examiner can normally be reached on M-F (6:30am-3:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571)272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MPF
04/28/08

/Michael P. Ferguson/
Primary Examiner, Art Unit 3679